

2006 NOV -3 P 11:43

Paul Pogue and
Paul Pogue, in his capacity as owner
of Surveyors Park,

Cv-06-148 MHT

**Sandy G. Robinson, an affiliate of
International Paper Company, et al.,**

Objection

1. The federal district court should find the defendants FRCP 56 motion in its entirety with exhibits attached untimely filed. The honorable magistrate judge October 3, 2006 Order is clearly contrary to the dispositive motions cut off date. See legal authority document number 22 at line 1.

FRCP 56(f) motion and response


1. Document number 22 allows for discovery to be completed on or before October 30, 2006. The plaintiffs desire and is in need of relevant, and discoverable data and reports from the State of Alabama, division of state government, the Alabama Forestry Commission and its state employees Danny Clark and Tony Chandler.
2. The affidavit of the State of Alabama employee, Mr. Charles T. Conway, clearly informs the concerned and justice minded citizenry, that there is a need for federal court intervention as to discovery compliance for the plaintiffs. See Exhibit (D) lines 3.

3. The plaintiffs are in need of court intervention to enjoy equal benefit and usage of the discovery process. Discovery is vital in this case and desired by the plaintiffs. The plaintiff are humbling complaining about the need to conduct discovery and the plaintiffs long ago raised objection to the way scheduling order originated and the plaintiffs have shown good faith by enduring the discovery efforts of the defendants. Plaintiffs will need the court to instruct the defendants to make themselves available for discovery and allow their depositions to be taken so that the plaintiffs may intelligently oppose the FRCP 56 efforts of the defendants.

Wherefore, plaintiffs move the federal district court for favorable action on this FRCP 56(f) objection and motion in opposition to the FRCP 56 pleadings of the defendants.

Stated under penalty of perjury and in the form and manner known to be appropriate affidavit filed to comply with the FRCP 56(f) provisions when confronted with the requirement that a non-moving party timely respond to a FRCP 56 motion.

Respectfully submitted by:

 , 301 Kahn Street, Montgomery, Alabama 36104

Certificate Of Mailing

I hereby certify that I have served a true and correct copy of the foregoing on the defendants on this the 3rd day of November, 2006, by placing same in the United States Mail, first class postage prepaid and properly addressed as follow:

TO:
-Mr. Charles T. Conway
State of Alabama Employee
Alabama State Forestry Commission Building
P.O. Box 302550
Montgomery, Alabama 36130

FOR:

-State of Alabama Employee
Tony Chandler

-State of Alabama Employee
Danny Clark

A handwritten signature, possibly reading "n", is written over a horizontal line.